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REMARKS


In the Notice issued on July 24, 2006, it is alleged that Applicants response of May 11, 2006 was non-compliant for failing to meet the requirements of 37 CFR 1.121. Specifically, it was stated that "Claims 41 and 43 should be (Withdrawn, Currently Amended)".

In order to expedite the examination of this application, Applicants submit herewith the corrected Listing of the Claims. However, the undersigned wishes to point out that there is no requirement for the use of the status identifier "Withdrawn - Currently Amended" even with an amended claim. This identifier is an acceptable alternative as set forth in 37 CFR 1.121(c)(2) which states "If a withdrawn claim is currently amended, its status in the claim listing may be identified as "withdrawn - currently amended." Similarly, MPEP 714(II)(C)(A) states, "The status identifier (withdrawn - currently amended) is also acceptable for a withdrawn claim that is being currently amended." Clearly, Applicants' use of the status identifier "Withdrawn" in the response of May 11, 2006 was proper, even with the amendment of the claim.

While the undersigned concurs that the designation "withdrawn - currently amended" is probably useful for an Examiner, especially for taking notice of and keeping track of amendments to claims that are withdrawn, its use is not the requirement of the law or the Patent Office. As a result of this inappropriate action, review of Applicants response of May 11, 2006 is delayed and Applicants have had to incur additional expense in having to prepare this unnecessary response.

Inasmuch as the response is clearly compliant, with or without the above Listing of Claims, Applicants respectfully request that the Patent Office expedite its continued examination of this application. Should there be any questions, please contact the undersigned, Applicant's attorney.

Respectfully submitted,



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